

# State, Feds Discuss 'Criminal Investigations' Linked to Asbestos at Brady Sullivan Site

<http://nhpr.org/post/state-feds-discuss-criminal-investigations-linked-asbestos-brady-sullivan-site>

**By Jack Rodolico • April 19, 2016**

Working on a tip from a confidential source, federal and state regulators investigated how piles of asbestos-laden debris ended up in Lawrence, Mass. outside a building owned by Brady Sullivan Properties, one of New Hampshire's largest real estate developers.

Investigators with the Environmental Protection Agency and the Massachusetts Department of Environmental Protection have raised questions about whether the toxic debris was illegally moved across state lines from New Hampshire.

Brady Sullivan is the subject of ongoing investigations by the two agencies, although neither would confirm the nature of the investigations.

But emails obtained by NHPR describe a tip that led a Massachusetts state investigator to the Pacific Mills Industrial Complex in Lawrence, where the inspector found hazardous waste, including asbestos. The investigator contacted four more environmental and public health agencies across New Hampshire, Massachusetts and the federal government.

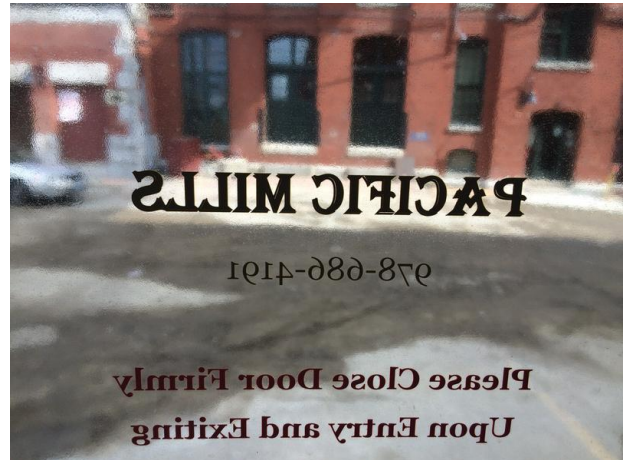
"We have a confidential informant ... that is saying that up to 10 truckloads of black beauty sandblast grit with lead paint chips and asbestos from [Mill West in Manchester] was disposed of in Pacific Mills in Lawrence about 2 to 3 months ago in the basement cement." - Tim Dame, investigator with Massachusetts Department of Environmental Protection

State and federal authorities were already investigating Brady Sullivan's conduct at another site the company was developing: Mill West in Manchester. In June of 2015, EPA ordered Brady Sullivan to clean up hazardous lead dust from dozens of apartments in Mill West.

In emails obtained by NHPR, a federal agent referred to "criminal investigations" of Brady Sullivan and a subcontractor, Environmental Compliance Specialists, Inc., or ECSI, who is linked to both Mill West and the Pacific Mills development sites. Tim Dame, an investigator with the Massachusetts Department of Environmental Protection, told state and federal colleagues in an email that the cases in Manchester and Lawrence might be connected.

"We have a confidential informant...that is saying that up to 10 truckloads of black beauty sandblast grit with lead paint chips and asbestos from [Mill West in Manchester] was disposed of in Pacific Mills in Lawrence about 2 to 3 months ago in the basement cement," Dame wrote in an email.

The emails do not say if authorities determined the source of the hazardous waste, or if they dug up the basement cement in search of lead and asbestos. They also do not describe any further legal response.



*Responding to a confidential tip, last fall a Massachusetts investigator went to Pacific Mills in Lawrence and found piles of contaminated debris. The informant alleged the debris had been illegally transported across state lines from New Hampshire.*

[Click here to read the emails](#)

Brady Sullivan responded to NHPR ([click here to read the company's full statement](#)) by saying it knew nothing of the materials investigators found until MassDEP informed the company.

"Brady Sullivan does not know where the materials came from and believes that its environmental contractors always dispose of all materials in a safe, legal and regulated manner," the statement says.

### **"A CONFIDENTIAL INFORMANT"**

Emails sent between state and federal regulators describe the following narrative: Last fall, an employee of a Brady Sullivan subcontractor contacted the Massachusetts Department of Environmental Protection. That person is referred to in the emails as "a confidential informant."

The informant told MassDEP that construction debris had been transported that past summer from Mill West in Manchester to the Pacific Mills Industrial Complex in Lawrence, Mass. Brady Sullivan is currently renovating both of these properties, converting historic mills into luxury lofts.

Without alerting the landlord to the complaint, MassDEP investigator Tim Dame visited the Lawrence site. He went to Building 3, where the confidential informant claimed Dame would find several piles of contaminated debris.

According to emails, Dame did find the debris, and the piles included what he called "small squares of pink material with paper backing." Dame tested those pink squares, and the results showed the material was mostly asbestos. Dame took photos of the debris, and tested for lead as well. The lead results were not immediately available.

### **"MOTIVATION TO BURY IT IN A FLOOR"**

Within hours, a handful of state and federal agencies were trying to learn more about what Dame had found in Lawrence – and if it was connected to the site in Manchester.

On September 23, Dame sent an email to colleagues from the federal Environmental Protection Agency and two New Hampshire agencies, the Department of Environmental Services and the Department of Health and Human Services.

"Also, as you know," Dame wrote, "it is much more expensive to get rid of asbestos than regular solid waste so some motivation to bury it in a floor is there."

Dame emailed photos of the debris outside Building 3 to his colleagues, writing, "I would be interested to know of any records of testing or disposal of shotblast from the Manchester mill site...."

A criminal investigator with EPA quickly organized a conference call, looping in the federal Department of Labor's Occupational Safety and Health Administration. The subject of the call: Brady Sullivan and one of its subcontractors, Environmental Compliance Specialists, Inc., or ECSI. That subcontractor was linked to the Brady Sullivan sites in Lawrence and Manchester.

"Folks," wrote EPA Special Agent Tyler Amon to his state and federal colleagues, "in regards to allegations concerning Brady Sullivan/ECSI, to include allegations of illegal disposal of Lead and asbestos in the Lawrence, MA area this week, several of us thought a conference call to discuss the current status of both civil and criminal investigations at the federal and state made sense."

**"Brady Sullivan does not know where the materials came from and believes that its environmental contractors always dispose of all materials in a safe, legal and regulated manner."**

**- statement to NHPR from  
Brady Sullivan Properties**

## **PRIOR PROBLEMS WITH ARSENIC, CADMIUM AND LEAD**

Brady Sullivan Properties, based in Manchester, has taken on many renovation jobs in recent years, transforming dilapidated New England mills into high-end commercial and residential space. Rent for a loft in a converted Brady Sullivan mill tops out around \$2,500 per month.

But the conversions themselves are complex and costly, in part because old mills are full of toxic material that can be expensive to dispose of in a safe, legal manner.

Brady Sullivan and ECSI had recently run afoul of some of those regulations.

According to state and federal officials, Brady Sullivan hired ECSI to do a demolition job at Mill West in Manchester last May. The contractor sandblasted lead paint off the walls using a demolition material called Black Beauty. Residents in dozens of apartments were exposed to toxic lead dust. The City of Manchester reported ECSI lacked the required permits, and EPA found the company lacked the necessary employee training to deal with lead.

An [NHPR investigation](#) last year found that after the lead exposure occurred, Brady Sullivan downplayed the health risks posed by the dust to its tenants.

ECSI was subsequently fined \$19,600 by OSHA for exposing its workers to arsenic, cadmium and lead at Mill West; those penalties were later reduced to \$12,250. ECSI's website has since been taken down, and the company's corporate filings with the state of New Hampshire have not been renewed. Attempts to call ECSI led to full voicemail boxes.

[EPA ordered](#) Brady Sullivan to clean up the mess at Mill West in Manchester. A tenants group [has sued](#) Brady Sullivan and ECSI in Hillsborough County Superior Court.



*The main entrance at the Pacific Mills Industrial Complex in Lawrence, Mass.*

## **"FAR-FETCHED" CLAIMS**

Last September in Lawrence, MassDEP investigator Tim Dame questioned the owner of ECSI, Jesse Wright.

In an email last September, Dame said Wright made conflicting claims about how the material got to Lawrence. Dame wrote he found the explanations "far-fetched."

Dame also questioned a Brady Sullivan supervisor. In that same email Dame wrote that the supervisor "briefly mentioned that ECSI may have 'brought some fill in.'"

Almost six months later in March of this year, an ECSI trailer still sat outside Building 3 in Pacific Mills in Lawrence. The trailer's doors were padlocked and the tires were flat and blocked off with bricks.

In its statement to NHPR, Brady Sullivan says it placed the material in 55-gallon drums under the supervision of MassDEP. Those drums remain on site at Pacific Mills in Lawrence.

"Brady Sullivan is awaiting permission from the MassDEP to have its environmental contractor properly dispose of the materials," the statement says.